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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/800,472

**Applicant(s)**

HARRIS, SCOTT C.

**Examiner**

CARL COLIN

**Art Unit**

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. In communications filed on 3/30/2008 applicant has amended claims 1-3, 5, 6, 9-11, 13-19, and 21. Claims 1-23 are presented for examination.

1.1 In response to communications filed on 3/30/2008, the 112<sup>th</sup> rejection of claims 14-16 has been withdrawn in view of the amendment.

1.2 Applicant's arguments filed on 3/30/2008 have been fully considered but they are not persuasive. Applicant argues that the claims as amended are different than Stewart because Stewart requires that the credentials be checked and verified whereas the claims disclose automatically allowing access based on possessing a secret key. Examiner disagrees with applicant's interpretation because independent claims 1 and 6 reciting automatically allowing access to users that have the key does not necessarily exclude checking nor verification of the key. The claims do not explicitly disclose how the determination is made to detect that the user has the key that is patentably distinct to the detection disclosed by Stewart. Applicant states that the claims as amended disclose a different kind of system referring to different secret keys and generally alleges that the SSIDs of Stewart are not secret keys. Examiner respectfully disagrees with applicant's general allegation as an SSID may be used as a password which would meet the claim limitation as now claimed. Applicant needs to provide a proof on how the system IDs of Stewart disclose in column 6, lines 18-30 and column 14, lines 55-59 and column 11 are

different and cannot be read into the claimed language of secret key of Stewart or patentably distinct from Stewart. Applicant in an attempt to overcome Stewart has amended the original claims reciting network credential or simply key or authorized key to secret key. There is no support in the disclosure that the key is a secret key or secret encryption key as understood by one of ordinary skilled in the art. It is noted that the original specification discloses a "secret key" as claimed as being equivalent to a credential (see page 4, lines 3). See other examples of key as network key (applicant's specification, page 2, line 13 and page 3, line 10). With respect to claim 3, applicant argues that Stewart does not disclose such a three layer of access. Examiner respectfully disagrees as Stewart discloses all of the permission levels described in claim 3 such as access to both local resources and Internet access; no access to local resources; and access to specific Internet web pages (describing the office or certain Intranet sites) or commercial parts of the Internet (see column 15, line 40 through column 16, line 3 and column 16, lines 13-67). In response to applicant's argument about claim 9 of separate wireless network interface cards in the same location not disclosed by Stewart, Examiner respectfully disagrees (see column 9, lines 10-40 and column 16, lines 21-37). With respect to claim 12, applicant argues that Stewart discloses certificate as other IDs. Examiner respectfully disagrees as Stewart discloses performing processing for the certificate as the unknown or incorrect digital certificate or other unknown information (see column 12, lines 9-15) and to clarify column lines 9-10 is not testing for other unknown information but the received identification information as it appears that applicant misinterprets column 12, line 8. With respect to claim 13, applicant argues that Stewart does not disclose different level of access based on different possession of encryption keys. Examiner respectfully disagrees as Stewart discloses the identification information may comprise

the name of the respective provider and the appropriate access information which may be contained in a digital certificate (see column 11, lines 8-11) and each ID may be uniquely associated with a respective provider and access point (see column 10, lines 55-67). Upon further consideration, a new ground of rejection is set forth below in view of the amendments.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 14, and 17-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For instance, claim 1 recites “a second communication part transmitting a separate communication stream from said first communication part”. Examiner cannot find support for the claimed limitation as claimed. It appears that applicant equates the user communicating with the second communication part to the communication part transmitting a separate communication stream. Claim 1 further recites transmitting a separate communication stream from said first communication part over a substantially a same transmitting area, there is no support for this limitation in the claim. Claim 1 also recites said first communication part automatically provides access to users that have said first secret key. There is no description of automatic access to users that have the first network key since the original specification does not

provide any details on how the network key is used by the user, nor there is description of the first communication part providing such automatic access as claimed. Applicant has amended the original claims reciting network credential or simply key or authorized key to secret key. There is no support in the disclosure that the key is a secret key or secret encryption key as understood by one of ordinary skilled in the art. Claim 3 also recites a third communication part transmitting a separate communication stream from said first communication part and separate from said second communication part over a substantially a same transmitting area. Claim 3 is also rejected on the same rationale as the rejection of claim 1 as explained above. Claims 6, 10, and 17 recite similar limitations to claims 1 and 3 above and are rejected on the same rationale. Claim 6 further recites a first network portion including a first transmitter... a second network portion including a second transmitter... there is no support for this limitation in the claim. Claim 21 recites automatically granting said first allowing if a first encryption key is detected, automatically granting said second allowing if a second encryption key is detected, and automatically granting said third allowing if neither said first nor second encryption key is detected. Applicant is requested to show by page and line number a concise explanation of where this limitation can be found in the original specification as claimed.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-12, 14, and 17-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.1 Claim 1 recites “a first secret key” there is no indication of a second secret key being used. The claim appears to be indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 further recites transmitting a separate communication stream from said first communication part over a substantially a same transmitting area. The claimed limitation transmitting a separate stream over a substantially a same transmitting area does not appear to be definite as to what applicant is trying to claim. Applicant is requested to explain or amend transmitting a separate stream and “substantially a same transmitting area”. Claims 3, 6, 10, and 17 recite the same and are rejected on the same rationale.

Claim 5 recites “said first or second secret key”. Claim 5 also recites said first or second levels of services. There is insufficient antecedent basis for this limitation in the claim.

Claims 7 and 8 recite said level of access. There is insufficient antecedent basis for this limitation in the claims.

Claim 6 recites “a first secret key” there is no indication of a second secret key being used. Claim 6 also recites said third communication part. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites said access to files on said system. There is insufficient antecedent basis for this limitation in the claim.

Claims 12 and 22 recite said key. There is insufficient antecedent basis for this limitation in the claims.

Claim 14 recites said first secret key. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites "a first subset" there is no indication of a second subset being used. Claim 17 recites said first second, third communication part and said first and second wireless network portions and said third network portions. There is insufficient antecedent basis for these limitations in the claim.

Claims 2-5 recite a device as in claim 1 or claim 3 whereas claim 1 recites "a wireless network comprising"

### ***Drawings***

4. Figure 1 is not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:



A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 5-8, 10, 13, 15, and 16** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,970,927 to **Stewart et al.**

As per claim 1, **Stewart et al** discloses *a wireless network* comprising (see column 9, lines 39-42), **Stewart et al** discloses the system has different access points that can provide different communication channels and separate communication traffic based on the network providers being used (see column 14, lines 19-39); a first level access providing access to local resources as well as access to the Internet that meets the recitation of *first communication part defining a first class of service* (see column 16, lines 13-20) *that includes a first set of permissions for access to resource including access to files on a system being controlled by said first communication part* (see column 16, lines 13-15 and column 16, line 48 through column 17, line 3), **Stewart et al** also discloses for instance one or more access points are comprised in an airport and one or more airlines may maintain various resources (see column 16, lines 21-25) and as noted above the system has different access points that can provide different communication channels and access level and separate communication traffic based on the network providers being used (see column 14, lines 19-39) that meets the recitation of *a second communication part transmitting a separate communication stream from said first communication part over a*

*substantially a same transmitting area as said first communication part.* **Stewart et al** discloses a second access level allowing access to the Internet only and no access to local network resources on the network that meets the recitation of *said second communication part defining a second class of service which includes a second set of permissions of access to resources wherein said second set of permissions does not include said access to said files on said system* (see column 16, lines 15-20 and column 16, line 48 through column 17, line 3). **Stewart et al** discloses said first communication part having its access controlled by requiring users of the first communication part to use a first secret key (identification information which indicates access level) *and automatically provides access to users that have said first secret key* (see column 15, lines 40-46 and column 16, lines 42-55) *said second communication part allowing access without said first secret key* (identification information) (see column 12, lines 39-46 and column 16, lines 42-55). See examples of identification information in (column 6, lines 18-30 and column 14, lines 55-59, and column 11, lines 3-33).

As per claim 3, **Stewart et al** discloses for instance one or more access points are comprised in an airport and one or more airlines may maintain various resources (see column 16, lines 21-25) and the system has different access points that can provide different communication channels and access level and separate communication traffic based on the network providers being used (see column 14, lines 19-39) that meets the recitation of *a third communication part transmitting a separate communication stream from said first communication part and separate from said second communication part over a substantially a same transmitting area as said first and second communication parts.* **Stewart et al** discloses a third level access providing access

only to specified internet sites or web pages and does not include access to private files on said system and this access does not require any key as it is provided to non-authorized users (see column 15, line 60 through column 16, line 3) that meets the recitation of *said third communication part defining a third class of service which includes a third set of permissions of access to resources where said third set of permissions does not include said access to said files on said system and allows access only to specified internet sites wherein said third communication part allowing access without needing any secret key.*

As per claim 5, **Stewart et al** discloses an access granting mechanism that detects user's access level within an identification information and automatically grants one of said first and second levels of services based on a user's credentials, (see column 16, lines 15-20 and column 16, line 48 through column 17, line 3) or grants said third level of service if the user does not have said first or second secret key (see column 15, line 60 through column 16, line 3) that meets the recitation of *wherein said wireless network includes an access granting mechanism, that detects a user's secret key, and automatically grants one of said first or second levels of services based on a user's credentials, or grants said third level of service if the user does not have said first or second secret key.*

As per claim 6, **Stewart et al** discloses *a wireless network system, comprising: allocating different channels based on authentication information, the respective communication channel (first wireless network portion) allows access to specified level of access to services (i.e. private portions of the network) and which automatically provides access to users having said first*

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*secret key* (see column 15, lines 40-46 and column 16, lines 42-55) that meets the recitation of *a first wireless network portion, including a first network transmitter* (see column 6, lines 31-41) *which is accessed by users having a first secret key, and which allows a first specified level of access to services*; **Stewart et al** discloses a second level of access associated with another channel (*a second wireless network portion*) that does not have access to private resources, these users not having identification information identifying that level of access (see column 14, lines 14-38 and column 16, lines 37-47) that meets the recitation of *a second wireless network portion, including a second network transmitter* (see column 6, lines 31-41), *transmitting over substantially the same area as said first network transmitter, which is accessed by users not having said first secret key, which allows a second specified level of access to services which includes less services than said first specified level of access to services* (see column 16, lines 42-59) and **Stewart et al** also discloses a plurality of PCD and access points and each PCD has Ethernet card and identification information for communicating with a wireless access point (see column 5, line 59 through column 6, line 18 and column 16, lines 13-47) that meets the recitation of *first wireless network portion and second wireless network portion*. (See also column 16, lines 13-20).

As per claim 7, **Stewart et al** discloses *wherein said level of access to services specifies an amount of bandwidth* (see column 12, lines 39-47 and column 19, lines 5-8).

As per claim 8, **Stewart et al** discloses allowing access to specified level of access to services (i.e. private resources of the network) that meets the recitation of *wherein said level of*

*access to services specifies an amount of access to network files* (see column 14, lines 14-38 and column 16, lines 29-37).

As per claim 10, **Stewart et al** discloses for instance one or more access points are comprised in an airport and one or more airlines may maintain various resources (see column 16, lines 21-25) and the system has different access points that can provide different communication channels and access level and separate communication traffic based on the network providers being used (see column 14, lines 19-39) that meets the recitation of *a third wireless network portion transmitting a separate communication stream from said first and second wireless network portions and separate from said first and second wireless network portions over substantially a same transmitting area as said first and second wireless network portions*. **Stewart et al** discloses a third level access providing access only to specified internet sites or web pages and does not include access to private files on said system and this access does not require any key as it is provided to non-authorized users (see column 15, line 60 through column 16, line 3) that meets the recitation of *said third wireless network portion defining a third class of service which includes a third set of permissions of access to resources where said third set of permissions does not include said access to said files on said system and allows access only to specified internet sites wherein said third communication part allowing access without needing any secret key*.

As per claim 13, **Stewart et al** discloses *a wireless network system, comprising:* **Stewart et al** discloses the system has different access points that can provide different communication

channels and separate communication traffic based on the network providers being used (see column 14, lines 19-39) that meets the recitation of first portion. The access points also determine the appropriate access level and access method (see column 13, lines 17-27). **Stewart et al** discloses a first portion that provides network access and requires specific identification information for allowing access to resources only on the local network (see column 13, lines 18-27) that meets the recitation of : *a first portion which transmits a first wireless network that requires a specified key to get access, and provides access to specified network features;* **Stewart et al** discloses a second portion which does not require the identification information to get access, and provides the lowest possible level of access to only external access such as the Internet (a subset of said specified network features) (see column 13, lines 34-44 and column 12, lines 28-33 and lines 42-46) that meets the recitation of : *a second portion which transmits a second wireless network that does not require said specified key to get access, and provides access to only a subset of said specified network features;* and discloses an alternative without the user being able to access any local network resources (see column 12, lines 45-46) that meets the recitation of *wherein said subset of specified network features includes a bandwidth limited Internet access.* **Stewart et al** also discloses limited access may be only certain Intranet sites (see column 12, lines 28-38).

As per claim 15, **Stewart et al** discloses *wherein said subset of specified network features includes only a limited total amount of information which can be obtained* (see column 12, lines 42-47).

As per claim 16, **Stewart et al** discloses *wherein said subset of specified network features includes only certain web pages that can be accessed via the Internet* (see column 12, lines 16-27). **Stewart et al** also discloses limited access may be only certain Intranet sites (see column 12, lines 28-38 and column 15, lines 60-67).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9, 11-12, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,970,927 to **Stewart et al**.

As per claim 9, **Stewart et al** substantially discloses one or more access points located in the same location as well as access point with different communication channels and plurality of separate networks located in the same location that meets the recitation of *wherein said first and second wireless network portions are separate wireless interface cards operating in the same location* (see column 9, lines 10-45 and column 16, lines 29-37). **Stewart et al** discloses the invention may be implemented in any form of medium including network medium and wireless link. Therefore, one of ordinary skill in the art would recognize that the interface to receive communication in Stewart may be implemented in an interface card.

As per claims 11-12, and 14, **Stewart et al** substantially discloses the identification information may be in form of digital certificate (see column 12, lines 4-14) (see column 6, lines 18-30 and column 14, lines 55-59). Examiner takes official notice that it is very well known in the art that a digital certificate may include encryption key (such as public key) to access information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to use an encryption key as identification information so as to provide security for private information as well-known in the art (see column 12, lines 4-15 and column 16, lines 21-47).

7. **Claims 2, 4, and 17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,970,927 to **Stewart et al** in view of US Patent Publication US 2004/0004965 to **Chen et al**.

As per claim 2, **Stewart et al** substantially discloses determining a charge rate based on various incentives for determining network services and access privileges (see column 11, lines 45-67). **Stewart** does not explicitly disclose the connection speed as a variation of class of service. **Chen et al** in an analogous art discloses the ISP could charge the user a usage fee based on connection time and the speed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to use connection speed as one of the criteria of service privilege level for charging the user a fee because different speed requires different bandwidth and it would have make sense to modify the access level based on speed as suggested by **Chen et al** (see page 2, paragraph 27).



As per claim 4, **Stewart et al** substantially discloses selecting bandwidth or communication channel based on identification information and access level and whether they have access to more resources (see column 19, lines 5-8, 14-19 and lines 38-48). **Stewart et al** does not explicitly state that *the second class of service obtains a more limited upload and/or download speeds for Internet than said first class of service*, however, based on the suggestions above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to obtain a more limited upload and/or download speeds for Internet than said first class of service because the first class of service has a higher level of access and more resources such as private resources than the second class of service as suggested by **Stewart et al**. One of ordinary skill in the art would have recognized the advantages to be able to control bandwidths with respect to access level as to provide higher bandwidth/speed to users with higher level of access because they are accessing more resources than the lower level as suggested by **Stewart et al** (see column 19, lines 5-8 and 45-48). **Chen et al** in an analogous art discloses the ISP could charge the user a usage fee based on connection time and the speed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to use connection speed as one of the criteria of service privilege level for charging the user a fee because different speed requires different bandwidth and it would have make sense to modify the access level based on speed as suggested by **Chen et al** (see page 2, paragraph 27).

As per claim 17, **Stewart et al** substantially discloses *a method comprising: at a first location allowing a user to use identification information to get access to a computer system containing wireless network resources which has a specified level of network features having identification information to get access and provides access to specified network features (see column 13, lines 18-27) (see column 16, lines 15-20 and column 16, line 48 through column 17, line 3) that meets the recitation of at a first location, first allowing a user to obtain access to wireless network resources which has a specified level of network features using a first secret key to access first wireless network that has said first specified level of network features; and* **Stewart et al** discloses at the same location allowing a user that does not require the identification information to get access by accessing a second wireless network using a second secret key (*see column 13, lines 34-44 and column 12, lines 28-33 and lines 42-46*) a second level of access that does not have access to private resources, these users not having identification information identifying that level of access (see column 14, lines 14-38 and column 16, lines 37-47) that meets the recitation of at said first location, second allowing a user to obtain access to a first subset of said specified level of network features, less than said specified level of network features, by accessing a second wireless network using a second secret key. **Stewart et al** discloses for instance one or more access points are comprised in an airport and one or more airlines may maintain various resources (see column 16, lines 21-25) a third level access providing access only to specified internet sites or web pages and does not include access to private files on said system and this access does not require any key as it is provided to non-authorized users (see column 15, line 60 through column 16, line 3) that meets the recitation of *at said first location third allowing a user to obtain access to only to specified internet sites*

*comprising less access than said first subset of said specified level of network features by accessing a third wireless network portion said wireless network portions defining a third class of service, wherein said third communication part allowing access without needing any secret key.*

**Stewart et al** discloses for instance one or more access points are comprised in an airport and one or more airlines may maintain various resources (see column 16, lines 21-25) and the system has different access points that can provide different communication channels and access level and separate communication traffic based on the network providers being used (see column 14, lines 19-39) that meets the recitation of *wherein each of said first, second, and third communication parts transmit a separate communication over substantially a same transmitting area as said first and second wireless network portions.*

**Stewart** does not explicitly disclose the connection speed as a variation of class of service. **Chen et al** in an analogous art discloses the ISP could charge the user a usage fee based on connection time and the speed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to use connection speed as one of the criteria of service privilege level for charging the user a fee because different speed requires different bandwidth and it would have make sense to modify the access level based on speed as suggested by **Chen et al** (see page 2, paragraph 27).

As per claim 18, **Stewart et al** substantially discloses the identification information may be in form of digital certificate (see column 12, lines 4-14) (see column 6, lines 18-30 and column 14, lines 55-59). Examiner takes official notice that it is very well known in the art that

a digital certificate may include encryption key (such as public key) to access information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Stewart et al** to use an encryption key as identification information so as to provide security for private information as well-known in the art (see column 12, lines 4-15 and column 16, lines 21-47).

As per claim 19, **Stewart et al** discloses a first level access providing access to local resources and a second access level allowing access to the Internet only but not entitled to view or utilize network local resources or access to any files (see column 16, lines 13-20 and column 16, lines 60-65) that meets the recitation of *wherein said first allowing allows access to files, and said second allowing does not allow access to any files, but does allow access to Internet*.

As per claim 20, **Stewart et al** discloses *detecting a user's network credential, and automatically granting one of said first allowing or said second allowing based on said credential* (see column 13, lines 18-27 and column 17, lines 44-67).

As per claim 21, **Stewart et al** discloses an access granting mechanism that detects user's access level within an identification information and automatically granting a first level of service if a first corresponding identification information is detected and automatically granting a second level of service based on a user's credentials, (see column 16, lines 15-48, and column 16, line 48 through column 17, line 3) and automatically granting said third level of service if the user does not have said first or second secret key (see column 15, line 60 through column 16, line

3) that meets the recitation of automatically granting said first allowing if a first encryption key is detected and automatically granting said second allowing if a second encryption key is detected and automatically granting said third allowing if neither said first nor second encryption key is detected (See also column 17, lines 44-67).

As per claim 22, **Stewart et al** discloses *wherein said key comprises an indication that a user has paid for a certain specified service* (see column 14, lines 39-59).

As per claim 23, **Stewart et al** discloses *second allowing allows internet access but only to certain web pages* (see column 12, lines 16-27 and column 15, lines 60-67).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the prior art discloses several of the claimed features. (See PTO-form 892).

8.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL COLIN whose telephone number is (571)272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Primary Examiner, Art Unit 2136

June 21, 2008